

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TROY M. TENACE,

Petitioner,

vs.

9:01-CV-228

WARDEN, Mansfield Correctional Institution;
ATTORNEY GENERAL FOR THE STATE OF NEW YORK,

Respondents.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4. The Report-Recommendation dated May 16, 2005 recommended that the Amended Petition be denied and the action dismissed. The petitioner then filed objections to the Report-Recommendation. See dkt. # 33.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]. The [Court] may also receive further

evidence or recommit the matter to the magistrate [judge] with instructions." Id.

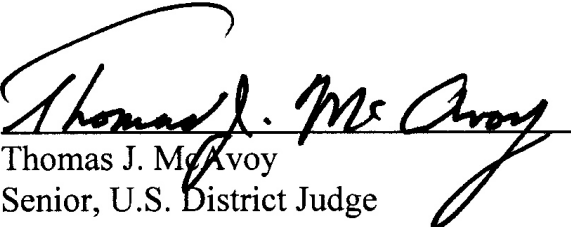
Having review the record *de novo* and having considered the issues raised in the petitioner's lengthy objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Lowe for the reasons stated in the May 16, 2005 Report-Recommendation.

It is therefore

ORDERED that the Amended Petition for a writ of habeas corpus is **DENIED**, and the action is **DISMISSED**.

IT IS SO ORDERED.

DATED: September 19, 2005


Thomas J. McAvoy
Senior, U.S. District Judge